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EXAMINER
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ART UNIT	PAPER NUMBER
3627	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/632,934	ZEISSET ET AL.
	Examiner	**Art Unit**	
	PAUL DANNEMAN	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 September 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-61</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-61</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status of the Amendment

1.   This Office Action is in response to Applicant's amendment filed on 10 September 2009.

2.   Claims 1, 15, 29, 43 and 57 have been amended.

3.   Claims 1-61 are pending and have been examined in this Office Action.

Response to the Arguments

4.   Applicant's arguments are directed towards the amended claims.   The arguments have been carefully considered but are not persuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.   **Claims 1, 15, 29, 43 and 57** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.   The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.   The claim limitations which are not supported by the original disclosure is as follows: **monitoring in real time, mail delivery on the determined routes after the mail items are assigned, wherein real time monitoring the mail delivery includes: receiving real time update information from the delivery carriers while the mail items are being delivered on the predetermined routes, wherein the real time update information relates to at least one of the routes for delivery and a capacity of the delivery carriers;**

and dynamically reassigning the mail items to different delivery carriers based on real time update

information received from the delivery carriers during real time monitoring the mail delivery.

Applicant's specification in paragraphs [045], [063], [073] and [087] only has support for the delivery and

monitoring of trays or containers and not individual mail items. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6.   **Claims 1-61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al, US

5,068,797 hereafter known as Sansone further in view of Williams et al. US 2002/0032573 A1 hereafter

known as Williams and incorporated by reference US 5,072,401, hereinafter know as '401 and further in

view of Manduley et al, US 5,043,908 hereinafter known as Manduley.

Claims 1, 15, 29 and 43:

With regard to the limitations:

- *Receiving delivery data from mail processors.*

- *Determining, using a computer system routes for delivery using delivery data and business rules.*

- *Assigning, using a computer system mail items to delivery carriers based on determined routes.*

- *Transmitting, using computer system mail item assignment information to mail processors.*

Sansone in at least Column 3, lines 5-8, Fig.6A, Fig.6B, Column 13, lines 50-67, and Column 14,

lines 32-61 teaches a system for improving delivery efficiency by the evaluation of delivery routes,

types of carriers, selecting routes and scheduling the carriers to deliver the mail and feeding back

to the data center all the associated data allowing the main station to engage in short-term

planning regarding resource utilization. Sansone in at least Column 4, lines 1-20 discloses a data

center with communication links and in at least Column 6, lines 22-34 discloses that the data

center is computerized. Sansone in at least Fig.6B, Column 14, lines 62-67 and Column 15, lines

1-10 discloses receiving batch mail data, receiving carrier and route data, determining an optimum carrier and route.

- ***Measuring the performance of the delivery carriers.***

Sansone, does not specifically disclose the limitation above, per se, however Sansone in at least Column 3, lines 22-25 states that the principal objective of the invention is to provide a system and apparatus that enables a more efficient and effective use of the postal facility. Sansone in at least Column 10 lines 65-67 and Column 11, lines 1-12 clearly states that a feature of the inventive system is to underline optimize delivery of mail and improvements in efficiency and cost savings can be achieved by a judicious choice of the conversion location utilizing such factors as location of addresses and mailers, location of second stations, location of Postal Offices, resources available including manpower, equipment, urgency of mail and batch sizes, etc. Sansone in at least Fig.6A, Fig.6B and Column 14, lines 5-31 still further discloses determining the optimum carrier and route which yields a greater efficiency. However, Williams (US 2002/0032573 A1) in at least paragraph [0027] discloses auditing Carrier performance to collect information required to negotiate the most favorable rates with the associated Carriers.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Sansone's System for Optimizing Mail Delivery by Routing with Williams' system for Auditing Carrier performance with the motivation of providing a measurement of past performance in order to develop an action plan for refining the efficiency and cost effectiveness of an agency.

- ***Transmitting, using the computer system, mail item assignment information to the mail processors;***

Sansone in at least Column 3, lines 31-48 further discloses that the data center is connected via a data communication networks or links to a plurality of user or mailer station that generate batch mailings. The data center receives from each of the mailer stations the mail parameters of each batch of mail that has been or will be generated for early delivery to the Postal Service. The data

center maintains a database with up-to-date, current information on all published Postal Service regulations governing qualification of batch mailing for rate reductions or discounts. Sansone in at least Column 3, lines 49-67 further discloses the creation of data for merging parts of the individual batch mailings, or batches from some of the mailers where the criteria for this batch assembly or merging process, is to optimize delivery time, reduce costs, or both. Sansone in at least Column 4, lines 1-20 further discloses transmitting information from the data center to a second station for processing batches of mail with the merged batch data parameters to form new merged batches, attach to them the new batch documentation, and arranging for delivery to the Postal Service in accordance with the present invention. Costs and savings from the new batching process are allocated amongst the mailers supplying the batch mailings.

- ***Monitoring , in real time, mail delivery on the determined routes after the mail items are assigned, wherein real time monitoring the mail includes:***

- ***Receiving real time update information from the delivery carriers while the mail items are being delivered on the predetermined routes, wherein the real time update information relates to at least one of the routes for delivery and a capacity of the delivery carriers; and***

Sansone does specifically disclose the above limitations per se, however Sansone in at least Figs. 4A and 4B and Column 9, lines 38-64 discloses the transmittal and reception of data via the communication link (dotted lines) and the movement of physical mail (indicated by solid lines) for use in the delivery of merged batches of mail and individual batches to various stations external to the Postal Service or internal to the Postal Service.

Sansone in at least Column 3, lines 16-19 discloses the incorporation by reference of 07/416,737 (US 5,072,401). In '401 Column 8, lines 33-67 and Column 9, lines 1-29 it is discloses that data exchange between the central station and the user station can consist of receiving usage information from the user, and based on the processing of the user information, information from the central station may be down loaded to the user and can consist of advisory procedures

(changes in postal charges), <u>changes in carrier routes</u>, address changes, etc. Further discloses in '401, Column 9, lines 47-60 the use of <u>logistics planning</u> to expedite the processing of bulk mail internally at the Postal Service and externally at the mail processors of the Postal Service.

Sansone In '401, does not specifically disclose the limitations above per se, however in at least Column 11, lines 60-67 and Column 12, lines 1-31 further discloses that the system is able to organize and coordinate carrier pick-up, routing, and delivery of batch mail between stations and can be used to expedite mail processing with the Postal System. The data center of the Postal Service maintains a <u>data base of facilities</u>, <u>resources available</u>, and <u>workloads</u>, and thus can provide as service information that will enable the Postal Service to <u>process arriving mail more efficiently</u>. The example provided discloses that knowing workloads and periods when a particular depot is busy, the second station could be instructed to time its delivery of the new batches to a depot during a slack period or while all or extra personnel are available to handle the increased work-load. Also discloses is that delivery could be routed and scheduled to a depot having the proper equipment.

Manduley in at least Figs 6-9 and Column 2, lines 55-67 and Column 3, lines 1-8 further discloses the continuous monitoring of the mail piece through the system, station workloads, and resource utilization provides information of great value to the management of the delivery system for improving performance. An additional benefit is that up-to-the-minute information on the state of the delivery system will also indicate early warning of delivery problems, which would be evidenced by delivery delays or late arrivals or missing pieces.

- ***Dynamically reassigning the mail items to different delivery carrier based on the real time monitoring of the updated information.***

Sansone, Williams and '401 do not specifically disclose the above limitation per se, however '401, in at least Column 12, lines 16-31 further discloses that <u>mail transported by different carriers may be rerouted to different depots</u> based on the available resources and because mail delivery could be expedited.

In '401, in at least Column 12, lines 32-47 further discloses that in the same manner that the data center, knowing the mail data and USPS resources and logistics planning, can advantageously schedule and route carrier transport of mail from mailers or a second station to various USPS depots, the data center can also assist the Postal Service on its selection of carriers and carrier routing for internal mail transfers between the USPS depots to other carriers which are engaged to convey mail between USPS depots.

In '401, in at least Column 12, lines 48-67 further discloses that the proximity of a second station to a USPS depot, the type of automated processing equipment could be a determining factor on where mail is routed.

In '401, in at least Column 14, lines 1-56 and Column 16, lines 24-67 further discloses that the data center, interconnected to the user stations and USPS offices may change carriers and routes when conditions arise in which a greater efficiency arises by employing different routes or carriers thereby resulting in an increase in the transit efficiency. The data center employs information regarding the capacity of various carrier and routes as well as quantity, volume, and destination information to determine the most efficient use of the various carriers and routes and is especially useful in the event of an emergency that results in the loss or reduction of usability of one or more of the routes. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify the disclosures of Sansone/Williams/'401 to dynamically adjust the reassignment of mail items to different carriers and routes with the motivation of adjusting to emergency events and other dynamic business rules and regulatory events.

Manduley in at least Figs 6-9 and Column 2, lines 55-67 and Column 3, lines 1-8 discloses that the continuous monitoring and the up-to-the-minute information on the state of the delivery system provides for early warning of problems where swift corrective action can be taken to avoid or mitigate such problems. Manduley in at least Column 3, lines 9-16 further discloses that a further feature of the invention is for the system not only to report arrival delays, but also automatically, if possible, expedite the remaining delivery schedule to make up for the lost time.

For instance, the data center could recalculate the remaining routes, with the objective being speed instead of, say, cost, which would allow the delayed mail pierce to make up for earlier delays in its passage along its scheduled route.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine the well know elements of Sansone, Williams, '401 with the equally well know real-time features of Manduley to insure the prompt and timely delivery of mail items with the motivation to provide a competitive delivery option for customers.

Claim 57:

With regard to the limitations:

- ***Receiving delivery data from mail processors;***
- ***Determining routes for delivery using delivery data and business rules;***
- ***Assigning mail items to delivery carriers based on determined routes.***

Sansone in at least Column 3, lines 5-8, Fig.6A, Fig.6B, Column 13, lines 50-67, and Column 14, lines 32-61 teaches a system for improving delivery efficiency by the evaluation of delivery routes, types of carriers, selecting routes and scheduling the carriers to deliver the mail and feeding back to the data center all the associated data allowing the main station to engage in short-term planning regarding resource utilization. Sansone in at least Column 4, lines 1-20 further discloses printing mail batch or manifest information. Sansone in at least Column 4, lines 26-35 discloses selecting carriers and routing of carriers to reduce expenses. Sansone in at least Column 8, lines 57-67 further discloses ***"changes in carrier routes"*** which are used by the data center to sanitize the mailing address list used by the mailing equipment to route the mail to the new assigned route. Sansone in at least Column 11, lines 16-21 discloses computing a route for the carrier, (Col. 11, lines 33-36) further discloses creating mail batches and their assorted

printed documentation and in Col.11, lines 64-67 organizing and scheduling carrier pick-up, routing, and delivery of batch mail to the second station.

- **Receiving information indicating reassignment of the mail items after a dynamic reassignment to a different delivery carrier based on real time monitoring mail delivery after the mail items are assigned to the delivery route, wherein real time monitoring includes receiving real time update information from the previously assigned delivery carrier while the mail items are being delivered on the assigned delivery route, the real time update including information concerning at least one of a previously assigned delivery route and a capacity of the previously assigned delivery carrier; and**

Sansone, does not specifically disclose real time monitoring per se, however Sansone in at least Figs. 4A and 4B and Column 9, lines 38-64 discloses the transmittal and reception of data via the communication link (dotted lines) and the movement of physical mail (indicated by solid lines) for use in the delivery of merged batches of mail and individual batches to <u>various stations external to the Postal Service or internal to the Postal Service</u>.

Sansone in at least Column 3, lines 16-19 discloses the incorporation by reference of 07/416,737 (US 5,072,401). '401 does not specifically disclose real time monitoring per se, however in '401 Column 8, lines 33-67 and Column 9, lines 1-29 it is discloses that data exchange between the central station and the user station can consist of receiving usage information from the user, and based on the processing of the user information, information from the central station may be down loaded to the user and can consist of advisory procedures (changes in postal charges), <u>changes in carrier routes</u>, address changes, etc. Further disclosed in '401, Column 9, lines 47-60 the use of <u>logistics planning</u> to expedite the processing of bulk mail internally at the Postal Service and externally at the mail processors of the Postal Service.

In '401, in at least Column 11, lines 60-67 and Column 12, lines 1-31 further discloses that the system is able to organize and coordinate carrier pick-up, routing, and delivery of batch mail

between stations and can be used to expedite mail processing with the Postal System. The data center of the Postal Service maintains a <u>data base of facilities</u>, <u>resources available</u>, and <u>workloads</u>, and thus can provide as service information that will enable the Postal Service to <u>process arriving mail more efficiently</u>. The example provided discloses that knowing workloads and periods when a particular depot is busy, the second station could be instructed to time its delivery of the new batches to a depot during a slack period or while all or extra personnel are available to handle the increased work-load. Also discloses is that delivery could be routed and scheduled to a depot having the proper equipment.

In '401, in at least Column 12, lines 32-47 further discloses that in the same manner that the data center, knowing the mail data and USPS resources and logistics planning, can advantageously schedule and route carrier transport of mail from mailers or a second station to various USPS depots, the data center can also assist the Postal Service on its <u>selection of carriers</u> and carrier <u>routing for internal mail transfers</u> between the USPS depots to other carriers which are engaged to convey mail between USPS depots.

In '401, in at least Column 14, lines 1-56 and Column 16, lines 24-67 further discloses that the data center, interconnected to the user stations and USPS offices may change carriers and routes when conditions arise in which a greater efficiency arises by employing different routes or carriers thereby resulting in an increase in the transit efficiency. The data center employs information regarding the capacity of various carrier and routes as well as quantity, volume, and destination information to determine the most efficient use of the various carriers and routes and is especially useful in the <u>event of an emergency</u> that results in the loss or reduction of usability of one or more of the routes. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify the disclosures of Sansone/Williams/'401 to dynamically adjust the reassignment of mail items to different carriers and routes and to update all the parties with the motivation of allowing each affected carrier to adjust their resources based on the most current information.

In '401, in at least Column 14, lines 1-56 and Column 16, lines 24-67 further discloses that the data center, interconnected to the user stations and USPS offices may change carriers and routes when conditions arise in which a greater efficiency arises by employing different routes or carriers thereby resulting in an increase in the transit efficiency. The data center employs information regarding the capacity of various carrier and routes as well as quantity, volume, and destination information to determine the most efficient use of the various carriers and routes and is especially useful in the <u>event of an emergency</u> that results in the loss or reduction of usability of one or more of the routes. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify the disclosures of Sansone/Williams/'401 to dynamically adjust the reassignment of mail items to different carriers and routes with the motivation of adjusting to emergency events and other dynamic business rules and regulatory events.

Manduley in at least Figs 6-9 and Column 2, lines 55-67 and Column 3, lines 1-8 further discloses the continuous monitoring of the mail piece through the system, station workloads, and resource utilization provides information of great value to the management of the delivery system for improving performance. An additional benefit is that up-to-the-minute information on the state of the delivery system will also indicate early warning of delivery problems, which would be evidenced by delivery delays or late arrivals or missing pieces.

Manduley in at least Figs 6-9 and Column 2, lines 55-67 and Column 3, lines 1-8 discloses that the <u>continuous monitoring and the up-to-the-minute information</u> on the state of the delivery system provides for early warning of problems where swift corrective action can be taken to avoid or mitigate such problems. Manduley in at least Column 3, lines 9-16 further discloses that a further feature of the invention is for the system not only to report arrival delays, but also <u>automatically, if possible, expedite the remaining delivery schedule</u> to make up for the lost time. For instance, the data center could recalculate the remaining routes, with the objective being speed instead of, say, cost, which would allow the delayed mail pierce to make up for earlier delays in its passage along its scheduled route.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine the well know elements of Sansone, Williams, '401 with the equally well know real-time features of Manduley to insure the prompt and timely delivery of mail items with the motivation to provide a competitive delivery option for customers.

- ***Printing labels containing mail item routing information.***

Sansone in at least Column 4, lines 1-20 discloses printing mail batch or manifest information and providing this information to the sorting station which then processes the batch mail in accordance with the merged batch data parameters to form new merged batches, attaching to them the new batch documentation, and arranging for delivery to the Postal Service.

Claims 2-10, 16-24, 30-38, and 45-53:

With regard to the limitations:

- ***Route determination includes processing active, planned and closed routes.***
- ***Route determination includes cost consideration information,***
    - ***Route delays due to weather,***
    - ***Route closures based on information from the delivery carriers.***
- ***Cost consideration includes contractual obligation to the delivery carriers.***
- ***Cost consideration includes determining a lowest cost service window.***
- ***Cost consideration includes delivery option information.***
- ***Delivery options include at least one of aircraft, trains, motor vehicles and ships.***

Sansone in at least Column 14, lines 32-58 discloses route determination of active, planned and closed routes with respect to the delivery options or carrier capability. Sansone does not disclose weather delays per se; however in at least Column 14, lines 58-61 discloses interrogating the data center as being useful in the event of an emergency that results in the loss or reduction of usability of one or more of the routes. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art that weather delays are one type of emergency. Sansone does

not disclose contractual obligations per se. However, Sansone in at least Fig.6B, Column 14 lines 62-67 and Column 15, lines 1-10 discloses route and carrier optimization to reduce costs. Sansone in at least Column 17 further discloses employing data center information to adjust staff levels and transportation facilities, etc. Sansone in at least Column 18, lines 6-19 discloses the data center in communication with mailers can advise mailers and the Postal system on choice of carriers and routing to optimize mail batch deliveries. Therefore, Sansone in adjusting staff levels and communicating with mailers and carriers is taking into account contractual obligations and fully discloses all the limitations of applicant's invention.

Claims 11-14, 25-28, 39-42, 44, and 54-56:

With regard to the following limitations:

- ***Creating an assignment manifest, in hardcopy and electronic form.***
- ***Transmitting the assignment manifest to at least one delivery carrier.***
- ***Tracking deliveries of mail items using a performance manager.***
- ***System utilizes a network for communication.***

Sansone in at least Column 3, lines 1-8, Column 4, lines 1-62, and Column 13, lines 33-49 discloses a station interconnected with a communications network link with the data center for exchanging manifest information, selecting carrier and routing of carriers, tracking deliveries to reduce expenses and sharing any expense reduction with the mailers by the way of extra discounts. Therefore, Sansone meets or exceeds the inventor's limitation regarding the creation and communication of an assignment manifest to the appropriate carrier and tracking deliveries to measure performance.

Claims 58-59 and 60-61:

With regard to the limitations:

- ***Adjusting at least one business rule based on the measured performance.***

- *Using measured performance to adjust a route.*

Sansone, does specifically disclose the limitations above, per se, however Sansone in at least Column 3, lines 22-25 states that the principal objective of the invention is to provide a system and apparatus that enables a more efficient and effective use of the postal facility. Sansone in at least Column 10 lines 65-67 and Column 11, lines 1-12 clearly states that a feature of the inventive system is to optimize delivery of mail and improvements in efficiency and cost savings can be achieved by a judicious choice of the conversion location utilizing such factors as location of addresses and mailers, location of second stations, location of Postal Offices, resources available including manpower, equipment, urgency of mail and batch sizes, etc. Sansone in at least FIG.6A, FIG.6B and Column 14, lines 5-31 still further discloses determining the optimum carrier and route which yields a greater efficiency. Furthermore, Williams (US 2002/0032573 A1) in at least paragraph [0027] discloses auditing Carrier performance to collect information required to negotiate the most favorable rates with the associated Carriers.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Sansone's System for Optimizing Mail Delivery by Routing with Williams' system for Auditing Carrier performance with the additional feature of using the performance data to not only negotiate the most favorable rates, but also to alter the routing and delivery process with the motivation of providing a measurement of past performance in order to develop and implement an action plan for improving the efficiency of an agency's routing and delivery of packages.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

16 November 2009

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627